

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMES HOWARD,

Civil No. C07-1187-RSL

Plaintiff,

VS.

ORDER FOR REMAND

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant

Based upon the stipulation of the parties, it is hereby ORDERED that the above-captioned

case be remanded to the Commissioner of Social Security for further administrative proceedings,

further development of the record, a new hearing and a new decision. On remand, the ALJ will: 1)

further evaluate the opinion of Mark Levy, M.D.; 2) consider the opinion of Robert

further evaluate the opinion of Mark Levy, M.D., consider the opinion of Robert

Bernardez-Fu, M.D.; 3) in light of the expanded record the ALJ should re-evaluate Plaintiff's

credibility pursuant to Social Security Ruling (SSR) 96-7p; 4) re-evaluate Plaintiff's residual

functional capacity pursuant to SSR 96-8p; 5) re-evaluate the lay witness statement; and 6)

finally, if necessary, obtain supplemental evidence from a vocational expert to clarify the effect

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the assessed limitations including the mental limitations assessed by Steven Haney, M.D., a

reviewing physician at the State agency; on Plaintiff's ability to perform any other work that exists

1 in significant numbers in the national economy consistent with SSR 00-4p, as Plaintiff is unable to
2 perform his past relevant work.

3 Plaintiff may present new arguments and evidence. The ALJ may perform further
4 development and conduct further proceedings as necessary.
5

6 This case is reversed and remanded pursuant to sentence four of 43 U.S.C. § 405(g).
7 Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses and
8 attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(a),(d).

9 DATED this 22nd day of January, 2008.
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13 Robert S. Lasnik
United States District Judge
14

15 Recommended for Entry
16 this 17th day of January, 2008.

17 s/ Mary Alice Theiler
18 United States Magistrate Judge

19 Presented by:

20 s/ RICHARD M. RODRIGUEZ
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